

Bedford Hills, New York
September 17, 2013

The second meeting for the month of September of the Town Board of the Town of Bedford was held on September 17, 2013 at the Town House, 321 Bedford Road, Bedford Hills, New York. The meeting was called to order at 8:00 P.M. by Supervisor Roberts.

Present: Lee V. A. Roberts : Supervisor
Peter Chryssos : Councilman
Francis T. Corcoran : Councilman (arrived at 8:04pm)
David Gabrielson : Councilman
Chris Burdick : Councilman

Lisbeth Fumagalli : Town Clerk
Joel H. Sachs : Town Attorney
Jeffrey Osterman : Director of Planning
Kevin Winn : Commissioner of Public Works
Ed Ritter : Town Comptroller
William Hayes : Chief of Police
Amy Pectol : Receiver of Taxes

And six (6) residents/observers.

APPROVAL OF CLAIMS

On a motion by Mr. Gabrielson, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: None

RESOLVED, that the following claims for 2013 be allowed for payment from their respective funds,

	2013
Paid Prior to Audit	\$ 419,321.35
General Fund	133,322.52
Highway Fund	180,824.99
Consolidated Water District	27,644.61
Cedar Downs Water District	147.07
Farms Water District	169.14
Old Post Road Water District	178.99
Drug Abuse	17.14
Energy	7,606.25
Special Districts:	
Bedford Village Memorial Park	7,692.87
Bedford Hills Memorial Park	5,477.33
Katonah Memorial Park	5,571.22
Capital Projects	37,593.90
	<u>\$ 825,747.38</u>

MONTHLY REPORTS

Mrs. Roberts advised that the departmental monthly reports were available for review during regular business hours in the Offices of the Town Clerk and the Supervisor as well as on the Town of Bedford website.

DEPARTMENTS

1. Approve backup power for Traffic Signals in Bedford.

On a motion by Mr. Chryssos, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: None

RESOLVED that the Town Board does hereby approve the appropriation of \$20,000.00 from the Highway fund balance to obtain permits from the New York State Department of Transportation (NYSDOT) for the installation and operation of generators, as back up power for seven (7) traffic signals in the Town of Bedford, install a transfer switch at the signal if it does not already have one, purchase a portable 2 kilowatt generator and extended fuel system for each site and equip each generator with a theft deterrent system, transfer switches to be installed by the Town's electrical contractor, JC Beach, as per the memorandum dated September 12, 2013 from Kevin Winn, Commissioner of Public Works, with said traffic signals at the following locations:

Intersection of Route 35 and Route 22

Intersection of Route 172 and Interstate 684 Northbound

Intersection of Route 172 and Interstate 684 Southbound

Intersection of Route 35 and Interstate 684 Northbound

Intersection of Route 35 and Interstate 684 Southbound

Intersection of Route 22 and Route 172 at the Bedford Village Green

Intersection of Route 25 and Woodsbridge Road

2. Authorize Supervisor to sign agreement with new 207c claims manager.

On a motion by Mr. Corcoran, seconded by Mr. Burdick, the following resolution was

ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick

Nays: None

Absent: None

RESOLVED that the Town Board does hereby authorize the Supervisor to execute the agreement with 207 Resolutions, LLC, 7537 Shalako Circle, Baldwinsville, New York 13027 to provide GML 207c claims management services, for a one (1) year term commencing September 17, 2013, subject to the receipt of a Certificate of Insurance naming the Town of Bedford as an additional insured, and proof of Worker's Compensation insurance, as per the memorandum dated September 13, 2013 from William Hayes, Chief of Police.

3. Approve resolution regarding Municipal Community Choice Aggregation.

Mike Gordon of Bedford 2020 explained to the Town Board that this was a request to ask the New York State legislature, to give the Town of Bedford an opportunity to choose if they wanted to participate in the Community Choice Aggregate Program or not. It would not bind the Town of Bedford only give them a choice to opt in or out. It was noted that the savings was at the supplier level. The Town Board had an extensive discussion on this matter.

On a motion by Mr. Corcoran, seconded by Mr. Burdick, the following resolution was

ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick

Nays: None

Absent: None

WHEREAS, the State of New York Public Service Commission issued a Policy Statement on August 25, 2004 that outlined the Commission's end state vision of electric and gas retail markets; and

WHEREAS, that statement said, "the provision of safe, adequate, and reliable gas and electric service at just and reasonable prices is the primary goal. *Competitive markets, where feasible, are the preferred means of promoting efficient services, and are well suited to deliver just and reasonable prices, while also providing customers with the benefit of greater choice, value and innovation.*"; and

WHEREAS, only 22.7% of New York State residents have taken advantage of the opportunity to choose electricity or gas suppliers, other than franchised utilities; and

WHEREAS, Programs in other states that allow municipalities to aggregate the energy purchases of residents and small businesses ("Community Choice Aggregation" or "CCA" programs), such as Illinois, Ohio and Massachusetts, are currently serving more than ten million people and have saved consumers more than \$500 million; and

WHEREAS, in CCA locations, as much as 77% of residential consumers were being served competitively, as of 2011 (e.g. Cleveland served 77.7% of residential consumers, up from less than 20% in 2009); and

WHEREAS, a modest savings on energy costs could save Westchester County businesses and residents more than \$40 million per year; and

WHEREAS, Bedford wants its residents and businesses to have the opportunity to save on energy purchases, as have residents and businesses in CCA states, and

WHEREAS, a CCA program in Bedford will still compensate franchised utilities for their provision of supply and for their maintenance of reliability, allowing utilities to concentrate on a resilient infrastructure; and

WHEREAS, any individual consumer is free to choose to “opt-out” of CCA offerings and purchase through the franchised utility; and

WHEREAS, Draft CCA pilot legislation for Westchester (A7896 Member of the Assembly Paulin/S5500 Senator Ball) requires that the CCA customers must save on energy costs v. the franchised utility, in order for a municipality to execute a CCA contract; and

WHEREAS, the franchise utility retains its obligation to provide Service of Last Resort offerings, in the event a CCA supplier does not perform; and

WHEREAS, no customer who is currently purchasing energy from a free market supplier will be switched in the absence of that customer’s active request to switch; now therefore be it

RESOLVED, that Bedford requests timely authorization from New York State to form an aggregation of consumers as described in A7896 and S5500.

PERSONNEL

1. Shelley Smith request to serve another term on the Bedford Historic Building Preservation Commission.

On a motion by Mrs. Roberts, seconded by Mr. Gabrielson, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick

Nays: None

Absent: None

RESOLVED that the Town Board does hereby reappoint Shelley Smith as a member of the Bedford Historic District Building Preservation Commission for a three (3) year term, said term to expire August 10, 2016.

2. Janeen Sudaka-Karlsson request for reappointment to the Conservation Board.

On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick

Nays: None

Absent: None

RESOLVED that the Town Board does hereby reappoint Janeen Sudaka-Karlsson to the Conservation Board for a two (2) year term, said term to expire January 20, 2015.

OLD BUSINESS

1. Roosevelt Drive Water Main Extension map, plan and report. Set Public Hearing.

On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick

Nays: None

Absent: None

RESOLVED that the Town Board does hereby set a public hearing to consider a Roosevelt Drive Water Main Extension for Tuesday, October 1, 2013 at 7:30pm at the Town House, 321 Bedford Road, Bedford Hills, New York.

2. Sublease and License Agreement of space on the Guard Hill Tower to emergency service providers.

On a motion by Mr. Chryssos, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: None

RESOLVED that the Town Board does hereby approve the sublease and license agreement for space on the Guard Hill Tower to emergency service providers, the Katonah-Bedford Hills Volunteer Ambulance Corps., with the exception of provision number ten (10) in the agreement, concerning electricity charges, which shall be stricken from the agreement.

NEW BUSINESS

1. Set Work Sessions – 2014 Budget.

On a motion by Mr. Chryssos, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: None

RESOLVED that the Town Board does hereby schedule work sessions on the 2014 Budget, to be held at the Town House, 321 Bedford Road, Bedford Hills, New York for:
Tuesday, October 1, 2013 at 6:30 pm
Tuesday, October 15, 2013 at 6:30pm.

2. Executive Session – Personnel.

On a motion by Mrs. Roberts, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: None

RESOLVED that the Town Board shall conduct an executive session concerning personnel at the conclusion of the regular meeting.

There being no further discussion the Town Board adjourned to executive session at 9:28pm.

Lisbeth Fumagalli, Town Clerk

Minutes of Executive Session - Town Board of the Town of Bedford - September 17, 2013

On September 17, 2013 at approximately 9:30 p.m., the Town Board unanimously voted to go to Executive Session in order to discuss personnel matters.

Attending the Executive Session were Supervisor Roberts, Town Board Members Burdick, Gabrielson, Corcoran and Chryssos as well as Town Attorney Joel Sachs.

At the outset of the meeting, Town Attorney Sachs was appointed Acting Deputy Town Clerk for the purpose of the meeting.

There followed a discussion of a personnel matter involving an employee of the Town of Bedford Police Department. No decisions were made and no actions were taken.

There followed a discussion about the medical problem of Town employee William Magrino, a member of Local 456. A copy of a Stipulation between the Town of Bedford, Local 456 and William Magrino was discussed by the Town Board.

At approximately 10:00 p.m. the Town Board returned to public session, Town Board member Corcoran moved and Town Board member Burdick seconded a motion to approve the Stipulation between the Town of Bedford, Local 456 and William Magrino. The Town Board unanimously voted to approve the Stipulation. A copy of the Stipulation is attached to the within Minutes:

STIPULATION

This stipulation between Local 456, I.B.T (the “Union”) and the Town of Bedford (the “Town”) sets forth the agreement between the Union and the Town in regards to the special medical problem of bargaining unit member William Magrino (“Magrino”).

WHEREAS: Magrino suffers from a unique medical problem which may seriously limit his ability to perform his duties to the Town; and

WHEREAS: The Union and the Town agree notwithstanding the last sentence of Section 3-A of Article XVII of the current collective bargaining agreement between the Union and the Town that, Magrino will be able to file for an Article XV Disability Retirement and if approved by the New York State Employee Retirement System, the Town agrees to provide health insurance benefits (NYSHIP) for Magrino and his eligible dependents after his retirement, fully paid by the Town.

The parties, the Union and the Town, fully agree that the terms set forth herein are not a precedent nor practice in future similar incidents in the future.

There being no further business before the Town Board, the public session of the Town Board was adjourned at approximately 10:15 p.m.

Respectfully submitted,

Joel H. Sachs, Acting Deputy Town Clerk